ssm

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 801 OF 1994

The State of Maharashtra ...Appellant.

Vs.

Kathod Hasu Patil ...Respondents.
since deceased through his L.Rs.

Mrs. G.P. Mulekar, AGP for the State.

Mr.D.S.Sawant for the respondent.

CORAM : ANOOP V. MOHTA,J.

DATED : 29th August, 2007

ORAL JUDGMENT:-

1. In this appeal the state has challenged the impugned order datd 12th April, 1993 passed by the 2nd Additional District Judge, Raigad-Alibag whereby the claimant's application has been partly allowed, and thereby the Court has granted enhanced compensation @ Rs.15/- per sq.mtr., after considering the material placed on record in para 9 which is reproduced as under:-

. "As stated above I estimated the market value of the acquired land at Rs.15/- per square metre. The total are of both the lands come to 4070 square metre.

Therefore, 4070 sq. metres x Rs.15/- per sq. metre = Rs.61,050=00. the Special Land Acquisition Officer has awarded total market value of the acquired land Rs.24,308.40ps. The Claimant is therefore, entitled to enhance amount of Rs.61,050.00 minus Rs.24,308.40 ps. = Rs.36,741.60 ps. towards market value. The Claimant is also entitled to additional amount on the same at the rate of 12% per annum under Section 23(1)(a) of the Land Acquisition Act, Solatium at the rate of Rs.30% under Section 23(2) and interest under Section 28 of the Land Acquisition Act, 1894 and proportionate costs. The issues are answered accordingly and hence I pass the following order."

2. The trial Court's conclusion cannot be said to be perverse and contrary to the record. The compensation is reasonable and fair. Apart from this in number of matters, the Division Bench of this Court in **State of Maharashtra Vs. Smt.Kamali Keshav Mhatre & Ors. 2005(1) All M.R. 459**, in reference to the land acquisition of Panvel, District Raigad, the Court has granted the compensation ranging from Rs.18/- per sq. mtr. to Rs.20/- per sq.mtr.. However, as in the present case, there is no such challenge is made by the respondent claimant, I am of the view that the

appeal of the appellant challenging the said rate @ Rs.15/- per sq.mtr., is liable to be dismissed. There is no reason to interfere for the said finding arrived at.

3. In the result, the appeal is dismissed.

(ANOOP V. MOHTA, J.)